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ABSTRACT

This speech highlights the procedures successfully employed by the Norfolk Public Schools as it endeavors to improve teaching competency and remove the incompetents from its ranks. Detailed attention is devoted to the work of the Teacher Efficiency Evaluation Committee and to those formal programs for improvement containing job targets and performance objectives capable of assessment. Also discussed are some additional considerations encompassing procedures necessary to ensure that the school administrator meets the court's expectations that the due process rights of the incompetent teacher are guaranteed. (Author/WM)

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REMOVING THE INCOMPETENT PRACTITIONER

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Effectively removing the incompetent practitioner requires a tremendous amount of time and effort with the application of specific administrative skills. The evaluator must marshal the resources of the school system for the purpose of providing the means whereby the unsatisfactory employee can achieve acceptable performance. The evaluator must program activities for improvement which will stand school board as well as court scrutiny for due process guarantees should the employee fail to achieve acceptable performance.

The discourse which follows attempts to highlight the procedures successfully employed by the Norfolk Public Schools as it endeavors to improve teaching competency and remove the incompetents from its ranks. Specific, detailed attention is devoted to due process, the Teacher Efficiency Evaluation Committee, and the formal programs for improvement containing job targets and performance objectives capable of assessmer

The process of removing the incompetent teacher begins with the identification of the employee with significant deficiencies. In the case of a marginal or unsatisfactory teacher, the official identification would be made by the principal. In Norfolk, the principal must confer with the teacher to review the deficiencies and to demonstrate the need for improvement. Emphasis is placed on cooperative analysis of the deficiencies by the teacher and principal. A letter summarizing the conference is written by the principal and mailed to the teacher with a carbon copy to the Deputy Superintendent and the Director of Elementary Education or the Director of Secondary Education.

Each principal is required to submit a Plan of Action for accomplishing school system and school objectives reflecting the management by objectives (MBO) approach. One section of the Plan of Action focuses on teacher evaluation. If the identification is made early in the school year, the principal enters the name(s) of the teacher(s) needing considerable improvement on his Plan of Action. A preliminary program for improvement should be cooperatively formulated by the teacher and the school's administrative staff. Assistance is usually requested from the central office administrators and supervisors.

After the preliminary program for improvement has been developed, the principal and his administrative staff are expected to monitor the progress of the teacher with written observations and conferences. Each conference is documented with a written summary which the teacher receives. The central office supervisory staff assists the teacher in achieving the objectives of the preliminary program for improvement. The supervisory staff is also deeply involved in monitoring and documenting the teacher's progress in achieving these goals.

In early December, the principal is required to confer with the teacher and send a letter summarizing the conference to the teacher if performance is still judged to be unsatisfactory or marginal. The conference and letter should contain a review of the conferences previously held and the degree to which the objectives of the preliminary program for improvement has been achieved. Copies of the letter are to be sent to the Deputy Superintendent and the Director of Elementary Education or Director of Secondary Education.

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If additional teachers are identified as having significant deficiencies or as being marginal or unsatisfactory, the principal is to confer with them and write the teacher a letter summarizing the conference. Again, copies of the letter are to be sent to the Deputy Superintendent and the Director of Elementary Education or the Director of Secondary Education.

Later in December, the Teacher Efficiency Evaluation Committee, chaired by the Deputy Superintendent, meets for the purpose of carefully reviewing the performance of unsatisfactory and marginal teachers. The Teacher Efficiency Evaluation Committee is composed of central office administrators from the Departments of Instruction, Personnel, and Pupil Personnel. The principal and his administrative staff outline the deficiencies of the marginal or unsatisfactory teacher for the Teacher Efficiency Evaluation Committee. Central office supervisory staff members may also be asked to present their judgments concerning the deficiencies. If a preliminary program for improvement has been formulated, it is reviewed with a determination being made as to the teacher's achievement of its objectives. Observations and letters summarizing conferences are also reviewed from the perspectives of "good faith" and due process guarantees. After considerable deliberation, the Teacher Efficiency Evaluation Committee formulates recommendations for each case. Usually the recommendation is for dismissal, formal probation, removal from further Committee evaluation, or continued evaluation with the Department of Elementary or Secondary Education and the principal developing and implementing a formal, detailed program for improvement. The last option mentioned, e.g., formal, detailed program for improvement, is the most common committee recommendation for those cases of incompetency presented to the Committee for the first time.

The development, implementation, and monitoring of the program for improvement requires the marshalling of school system resources. The development of the program requires coordinated input from the teacher, the department chairman, assistant principals, principal, supervisor, elementary or secondary coordinator, and the Director of Elementary Education or Director of Secondary Education who is responsible for its development. The Assistant Superintendent for Instruction and the Deputy Superintendent are also consulted. After the program for improvement is finalized, a conference is scheduled with the teacher. The conference is chaired by the principal with the department chairman, assistant principal(s), supervisor, elementary or secondary coordinator, and the Director of Elementary or Secondary Education attempting to answer any questions the teacher may have concerning the program for improvement. The teacher has the prerogative of questioning any item of the program for improvement. It should be stated that every item contained in the program for improvement is capable of assessment and closely resembles a performance objective or job target with a built-in method of assessment.

It is explained to the teacher that an assessment of his achievement of the objectives of the program for improvement will be made during the next evaluation by the Teacher Efficiency Evaluation Committee. It is also stressed to the teacher that frequent and regular observation by the school and central office functionaries will be necessary to assess the achievement of the objectives of the program for improvement as well as to help the teacher in the improvement of his instructional practices A written summary of the conference is prepared, addressed to the teacher with copies sent to all conference participants, the Director of Personnel, the Assistant Superintendent for Instruction, and the Deputy Superintendent.

During the implementation of the program for improvement, every effort possible is made by the school and central office staff to help the teacher achieve the performance objectives or job targets. Careful documentation is made of every observation and conference. The performance objectives contained in the program for

improvement provide the focus of attention during the observation process. Summaries of observations and conferences are written and addressed to the teacher with copies to school and central office staff members. Toward the end of February, the principal is required to send a letter to each teacher who has been recently identified as evidencing marginal or unsatisfactory performance. In addition, he is to send a letter to each teacher currently operating under a program for improvement with the principal's assessment of the degree to which the teacher achieved the program for improvement. In all cases, copies of the communication are sent to the Deputy Superintendent and Director of Elementary Education or Director of Secondary Education.

In March, the Teacher Efficiency Evaluation Committee reconvenes. In addition to formulating recommendations for recently identified teachers with significant deficiencies causing marginal or unsatisfactory performance, the committee attempts to assess the level of achievement in the program for improvement of teachers discussed during the committee's December deliberations. Depending on the facts presented by school and central office staff, a recommendation is formulated which removes the teacher from additional committee evaluation, continues the evaluation process with the program for improvement remaining in effect, or remands the case to the Superintendent of Schools for the initiation of probation or dismissal if he desires. If the Superintendent agrees that probation or dismissal is warranted, the case is heard by the School Board with the teacher often represented by legal counsel of the local Education Association or counsel of his own choosing. Our legal counsel stresses that School Board action is needed for probation as well as dismissal of tenure teachers. The School Board hearing is chaired by the School Board Chairman with our legal counsel conducting the inquiry. The hearing is private unless the teacher requests that it be public. A court stenographer records the testimony presented during the proceedings.

The procedures presented above summarize the the steps employed by the Norfolk Public Schools when attempting to remove the incompetent practitioner. However, additional considerations should be emphasized before concluding. First, our System has recently experienced the need to employ time-consuming steps to insure that our procedures and decisions will survive the harsh legal scrutiny of constitutional due process guarantees. For this reason, it is becoming increasingly common for a teacher's case to be discussed by the Teacher Efficiency Evaluation Committee three, and sometimes, four times before it is believed that sufficient documentation has been collected to justify a recommendation for probation or dismissal to the Superintendent who, in turn, may recommend this course of action to the School Board. Exceptions to this protracted situation detailed herein are gross negligence and insubordination which may result in immediate suspension.

The second consideration to be emphasized is the wisdom of securing parent and teacher written complaints about the incompetent teacher when these complaints are originally brought to the attention of concerned personnel. Possessing written complaints effectively serves to temper favorable testimony from other teachers and parents concerning the incompetent's performance. Some people tend to rally to support the teacher about to be dismissed.

The evaluator and evaluating body must clearly distinguish between the teacher's performance of administrative and clerical duties and the teacher's performance during class meetings.

When teaching performance during class meetings is considered, there must, also, be a distinction made between deficiencies in content to be learned by the students and deficiencies in teaching methods. For instance, the school's administrators are in the best position to establish expertness in the area of performance of teacher duties of a clerical and administrative nature. The school's administrators are also qualified to assess teaching methods. The only area in which they may not be able to establish expertness is in the area of content which the teacher is attempting to have the students learn. A performance-based curriculum serves to overcome this problem because of clearly defined content and expected outcomes. However, even with a performance-based curriculum, testimony from the department chairman and/or subject area supervisor is invaluable. As the deficiencies of the teacher are identified with attempts being made to overcome them, it is wise for the evaluator and evaluating body to be cognizant of the broad category or categories which are the focus of attention.

Another factor which merits consideration is the additional services which the marginal and unsatisfactory teacher receives. In essence, the concentration of resources vastly augments the evaluative services which the teacher receives and may have to be presented to the court if the School Board decision is appealed.

The final factor requiring attention is the charge of harassment by a teacher who objects to the frequent observation required for the implementation of the program for improvement. Should the teacher construe this intensive assistance as harassment and desire that it cease, he is required to submit the request in writing. The purpose of the reduced number of observations and conferences becomes that of assessing the achievement of the program for improvement. In essence, the teacher has formally requested that the school system resources <u>not</u> be marshalled to assist him in his improvement. The reduced level of observation and conferences serves to meet the legal obligation of the School Board and Superintendent to evaluate teachers. However, it is indicated to the teacher that such a reduction in observations and conferences jeopardizes the validity of the assessment of the program for improvement.

In conclusion, an attempt has been made to outline procedures for removing the incompetent practitioner. A time-line was provided; the Teacher Efficiency Evaluation Committee was discussed; and the program for improvement employed by the Norfolk Public Schools was explained. Finally, additional considerations were provided to further insure that the school administrator meets the court's expectations that the imcompetent teacher's due process rights are guaranteed. In today's society, removing the incompetent practitioner takes a great deal of time and effort.

If the administrator and School Board insure that the due process rights of the teacher are safeguarded, they need not worry that the court will substitute its judgment on what constitutes incompetent performance.